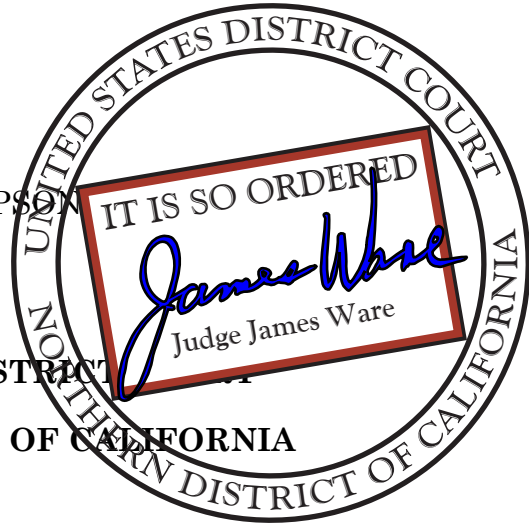


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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF CALIFORNIA,	)	Case No.: CR 01—20192 JW
	)	
Plaintiff,	)	STIPULATION RE DEFENDANT
	)	DERUNGS' MOTION TO TRANSFER
vs.	)	CASE TO JUDGE ILLSTON IN SAN
	)	FRANCISCO
HERBERT JOHN DERUNGS	)	
	)	[Local Rule 18—2]
Defendant	)	

The United States and. defendant Herbert John Derungs hereby stipulate as follows:

1. In August 2006 the United States Probation filed a Form 12 in the above captioned case alleging supervised release violations by defendant. The Probation Office amended the Form 12 in October 2006. Defendant has not yet made an appearance before this Court in response to the original or the amended Form 12.

2. In May 2007, a federal grand jury sitting in San Francisco returned an indictment charging defendant with violations of federal law concerning the same conduct alleged in the Form 12 that remains pending before this Court. That case is *United States v. Herbert Derungs*, No. CR 07-0268 -SI.

3. On October 19, 2007, represented by Geri Lynn Green, defendant entered guilty pleas to a superseding information in Case No. CR 07-0268 -SI. Defendant's

1 guilty pleas were entered pursuant to a plea agreement in which the United States  
2 agreed to recommend that any sentence defendant might receive for the alleged  
3 supervised release violations in the instant case run concurrently with the sentence  
4 he received in Case No. CR 07-0268 SI.

5 4. Defendant was sentenced by Judge Illston in Case No. CR 07-0268 -SI on  
6 February 22, 2008 to a term of imprisonment of 72 months.

7  
8 5. In light of the overlap between the instant case and Case No. 07-0268 SI,  
9 and in light of the incorporation of this case in the plea agreement entered into by  
10 the parties in Case No. 07- 0268 SI, the parties believe that a transfer would be in  
11 the interest of justice based upon the convenience of the defendant and the prompt  
12 administration of justice, including the Probation Department, if the Court  
13 transferred the instant case to Judge Illston pursuant to Local Rule 18—2 in order  
14 to allow Judge Illston to resolve the pending Form 12 based on the same conduct in  
15 Case No. 07-0268 SI, in conformity with the plea agreement in that case.

16 6. The parties note that the Minute Order of the sentencing hearing in No.  
17 07-0268 SI recites that “The Parties agree to have Judge Illston resolve the  
18 underlying supervised release violation CR 01—20192 JW.” The parties further  
19 note that Judge Illston has expressed a willingness to accept the transfer if it is  
20 agreeable with this Court. A true and correct copy of the Minute Order is attached  
21 herereto.

22 7. Accordingly, the parties respectfully request that this Court transfer the  
23 instant case to the Honorable Susan. Illston, Judge of the Federal District Court for  
24 the Northern District of California  
25

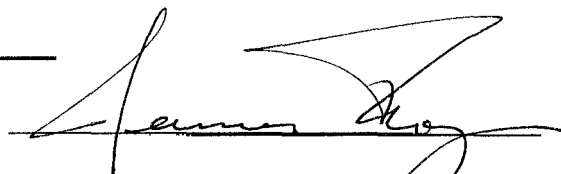
1 IT IS SO STIPULATED.

2 Dated: March 14, 2008

3 

4  
5 ANDREW P. CAPUTO  
6 Assistant United States Attorney  
7 Attorney for Plaintiff UNITED STATES

8 Dated: 3/17/08

9 

10 JAMES McNAIR THOMPSON  
11 Attorney for defendant Herbert J. Derungs  
12

13 [PROPOSED] ORDER

14 **GOOD CAUSE THEREFORE APPEARING, THIS MATTER IS**  
15 **ORDERED TRANSFERRED TO THE HON. SUSAN ILLSTON, JUDGE OF THE**  
16 **UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA,**  
17 **SAN FRANCISCO FACILITY.**

18 DATED: March 24, 2008

19 

20 Hon. James Ware  
21 Judge of the United States District Court  
22 Northern District of California  
23  
24  
25

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**CRIMINAL PRETRIAL MINUTES**

Date: 2/22/08

Case No. CR-07-0268 SI Judge: SUSAN ILLSTON

Title: UNITED STATES -v- HERBERT DERUNGS(C)(P)

Attorneys: Caputo Green

Deputy Clerk: Tracy Sutton Court Reporter: J. Gonzalez

**PROCEEDINGS**

1) Judgment & Sentence - HELD

2) \_\_\_\_\_

3) \_\_\_\_\_

4) Order to be prepared by: ( )Pltf ( )Deft ( )Court

Disposition : ( ) GRANTED, ( ) DENIED, ( ) GRANTED/DENIED IN PART ( ) SUBMITTED

ORDERED AFTER HEARING:

Custody: 72 months for each count (concurrently) except for Ct. 6. 26 Months as to Count 6 (consecutive)

Sup. Release: 3 years w/special conditions

Sp. Ass \$600.00

Restitution: \$28,873.60

No Fine

The parties agreed to have Judge Illston resolve the underlying supervised release violation CR-01-20192 JW.

cc: JW - san jose

*FILED*  
*FEB 24 2008*  
*U.S. DISTRICT COURT*  
*NORTHERN DISTRICT OF CALIFORNIA*